

1 AN ACT  
2 RELATING TO INSURANCE; PROVIDING FOR ASSIGNMENT OF HEALTH  
3 CARE AND DENTAL CLAIMS.  
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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. Section 59A-12A-10 NMSA 1978 (being Laws  
7 1989, Chapter 374, Section 10) is amended to read:

8 "59A-12A-10. PAYMENT OF CLAIMS.--

9 A. Except as provided in Subsection B of this  
10 section, all claims paid by the administrator from funds  
11 collected on behalf of the insurer shall be paid only on  
12 drafts of and as authorized by the insurer.

13 B. Dental hygiene claims paid by an administrator  
14 for a dental insurer shall be paid on the basis of assignment  
15 to the provider of the dental health care. No dental insurer  
16 may refuse to honor an assignment of a claim for payment of  
17 benefits for dental hygiene. The provider may collect from  
18 the insured any copayment, coinsurance, deductible or other  
19 amount that the insured is liable for under the dental health  
20 care plan.

21 C. For the purpose of this section, "dental  
22 insurer" means a person licensed by the state to issue health  
23 insurance that offers coverage for services provided in the  
24 practice of dental hygiene as defined in Subsections B, D and  
25 E of Section 61-5A-4 NMSA 1978."

1           Section 2. A new section of Chapter 59A, Article 22  
2 NMSA 1978 is enacted to read:

3           "DENTAL HYGIENE COVERAGE CLAIMS PAYMENT.--

4           A. An individual or group hospital or medical  
5 expense insurance policy delivered or issued for delivery in  
6 this state that provides dental hygiene coverage shall pay  
7 claims for benefits provided under that coverage on the basis  
8 of assignment to the provider of the dental hygiene care.  
9 The provider may collect from the insured any copayment,  
10 coinsurance, deductible or other amount that the insured is  
11 liable for under the policy.

12           B. For the purposes of this section, "dental  
13 hygiene coverage" means health insurance coverage of services  
14 provided in the practice of dental hygiene as defined in  
15 Subsections B, D and E of Section 61-5A-4 NMSA 1978.

16           C. The provisions of this section do not apply to  
17 nonprofit health care plans issued pursuant to Chapter 59A,  
18 Article 47 NMSA 1978."

19           Section 3. A new section of Chapter 59A, Article 23  
20 NMSA 1978 is enacted to read:

21           "DENTAL HYGIENE COVERAGE CLAIMS PAYMENT.--

22           A. Each insurer that delivers or issues for  
23 delivery in this state a group health insurance policy that  
24 provides dental hygiene coverage shall pay claims for  
25 benefits provided under that coverage on the basis of

1 assignment to the provider of the dental hygiene care. The  
2 provider may collect from the insured any copayment,  
3 coinsurance, deductible or other amount that the insured is  
4 liable for under the policy.

5 B. For the purposes of this section, "dental  
6 hygiene coverage" means health insurance coverage of services  
7 provided in the practice of dental hygiene as defined in  
8 Subsections B, D and E of Section 61-5A-4 NMSA 1978.

9 C. The provisions of this section do not apply to  
10 nonprofit health care plans issued pursuant to Chapter 59A,  
11 Article 47 NMSA 1978."

12 Section 4. A new section of the Prepaid Dental Plan Law  
13 is enacted to read:

14 "ASSIGNMENT OF HEALTH CLAIMS.--

15 A. Claims shall be paid on the basis of assignment  
16 to the provider of the prepaid dental services. The provider  
17 shall not collect any payment from the member except a  
18 copayment, coinsurance, deductible or other amount that the  
19 member is liable for under the membership coverage.

20 B. A prepaid dental plan organization shall not  
21 refuse to honor an assignment of a claim. An insurance  
22 policy or contract issued or renewed after June 30, 2005  
23 shall not contain a restriction on the member's right to  
24 assign a claim to a provider of prepaid dental services.

25 C. Claims shall be paid pursuant to the Insurance

1 Code.

2 D. As used in this section:

3 (1) "assignment" means the transfer from a  
4 member of the right to collect a claim payment to the  
5 provider who rendered the prepaid dental services; and

6 (2) "claim" means a demand for prepaid  
7 dental services payment."

8 Section 5. A new section of the Prepaid Dental Plan Law  
9 is enacted to read:

10 "PROVIDER DISCRIMINATION PROHIBITED--DENTAL HEALTH  
11 CARE.--All individual and group subscriber contracts  
12 delivered or issued for delivery in New Mexico by a prepaid  
13 dental plan that, on a service or indemnity basis, or both,  
14 provide for treatment of persons for the prevention, cure or  
15 correction of any illness or physical or mental condition  
16 shall not contain any provisions that exclude a person  
17 licensed pursuant to the Dental Health Care Act and shall not  
18 discriminate in the reimbursement levels for same or similar  
19 services provided by other providers." \_\_\_\_\_

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